

REMARKS

Claims 20-38 are under examination. Claims 1-14 were previously cancelled and claims 15-19 and 22 are cancelled by this amendment. Claim 20 has been amended to incorporate the subject matter of claim 22. Claim 25 has been amended to correct a typographical error. Claims 35-37 have been amended at the Examiner's suggestion to remove the phrase "of the knee." Claim 38 has been added by this amendment. Claim 38 is supported in the specification at page 4, lines 5-6. No new matter is added with these amendments.

CLAIM OBJECTIONS

The Examiner objected to claim 22 because it depended from a rejected base claim. Claim 22 has been cancelled, removing the grounds for this objection. The Examiner objected to the language "of the knee" in claims 34 to 37. This phrase has been removed from these claims, overcoming this objection. The Examiner noted the typographical error in claim 25 in the recitation of "wherein said the." Claim 25 has been amended to delete the word "said," thereby overcoming this rejection.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 20-21 have been rejected for failing to satisfy the written description and enablement requirements under 35 U.S.C. § 112, first paragraph. The Examiner contends that the application as filed does not sufficiently describe or enable the claimed genus of proteins that induce the formation of tendon or ligament tissue.

Without acquiescing to the Examiner's position, and solely to expedite allowance of the claims, Applicants have amended claim 20 to incorporate the limitations of

allowed claim 22, stating that the protein that induces the formation of tendon or ligament tissue is selected from the group consisting of BMP-12, BMP-13, and MP52. Applicants request withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, and allowance of the claims.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims. Should the Examiner have remaining questions or concerns regarding this application, Applicants request that the Examiner contact the undersigned at 617-452-1693 to schedule an interview to discuss the application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 13, 2006

By: 
Elizabeth E. Mathiesen
Reg. No. 54,696